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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,782	03/15/2004	Axel Ullrich	017853-0145	9104
22428 7590 05/15/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
SPECTOR, LORRAINE				
ART UNIT		PAPER NUMBER		
1647				
MAIL DATE		DELIVERY MODE		
05/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10799782	3/15/2004	ULLRICH ET AL.	017853-0145

FOLEY AND LARDNER LLP  
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WASHINGTON, DC 20007

## EXAMINER

Lorraine Spector

ART UNIT	PAPER
1647	20090514

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

The reply filed on 3/18/2009 is not fully responsive to the prior Office Action because:

It was stated in the Office Action mailed 9/19/2008 that:

In the previous Office Action, the Examiner noted that applicants having stated on the record that the sequences in figures 11-1 to 11-4 are *different* than the sequence submission, the Examiner finds that the application is not in full compliance with sequence rules. Applicants are required to amend the specification to be in full compliance with sequence rules in response to this office action, and, if needed to submit a new CRF reflecting the different sequences, along with a new paper copy of the sequence listing and statement that the CRF and paper copy are identical, in addition to amending the specification to reflect the newly added sequence identifiers.

In the response filed 4/9/2008, applicants corrected the figure numbers, and inserted SEQ ID NO: 2 into the brief description thereof. However, applicants have not reconciled their previous statement that the sequences in the figures are *different* than those in the CRF.

Appropriate correction or explanation is required.

That statement referred to an initial statement made in the Office Action mailed 1/9/08. Applicants have *twice* failed to address this issue. Accordingly, the response filed 3/18/09 is considered not to be a *bona fide* response.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector. Dr. Spector can normally be reached Monday from 9-5, and Tuesday, Thursday and Friday, 9:00 A.M. to 3:00 P.M. at telephone number 571-272-0893.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's supervisor, Dr. Manjunath Rao, at telephone number 571-272-0939.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Official papers filed by fax should be directed to **571-273-8300**. Faxed draft or informal communications with the examiner should be directed to **571-273-0893**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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